



Patent
Attorney's Docket No. 001560-223

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Miyoko ONO et al) Group Art Unit: 1302
Application No.: 08/194,530) Examiner: C. Sherrer
Filed: February 10, 1994)
For: HOP EXTRACT AND)
USE THEREOF)

*b) Election
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REPLY TO REQUIREMENT FOR RESTRICTION
AND ELECTION OF SPECIES

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In complete response to the Official Communication dated May 17, 1994, requiring election of a single disclosed species for prosecution on the merits pursuant to 35 U.S.C. § 121, Applicant offers the following reply.

Applicant provisionally elects with traverse the single disclosed species of a process for the production of a beer (Claims 19-28) for examination purposes only. As stated in the Official Communication, these claims will be examined together with the elected invention of Claims 1-6, drawn to a hop extract and process for preparing the same.

According to the MPEP § 803, a restriction between disclosed species of an invention is proper only where there is a serious burden on the Examiner to examine all the claims in a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that the two sets of claims as set forth in the Official Communication all relate to different aspects of the same invention. The species of the invention as set forth in the claims relate to a process for the production of a wort and a process for the production of a beer using the wort obtained by the claimed process.

In light of the clearly close relationship between the subject matter of the two sets of claims, it is respectfully believed that a search directed to Claims 7-18 would almost necessarily include a search directed to the subject matter of Claims 19-28. Thus, there would be no serious burden on the Patent Office to examine all the claims at this time.

Proper reason for a requirement to restrict does not exist. Therefore, Applicants respectfully request that Claims 7-18 and 19-28 all be examined at this time.

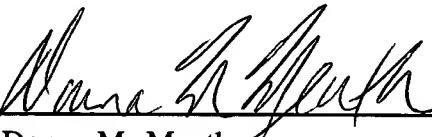
In light of the above, withdrawal of the requirement for restriction is, therefore, respectfully requested and believed to be in order.

Further and favorable consideration of all the claims of record on the merits is respectfully requested.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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Date: June 16, 1994

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